



PATENT
Customer No. 22,852
Attorney Docket No. 07528.0010-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Inventor: Richard F. SCHROEDER et al.) Group Art Unit: 3766
)
Application No.: 10/762,513) Examiner: F. P. Oropeza
)
Filed: January 23, 2004)
)
For: METHODS AND DEVICES FOR) Confirmation No.: 5243
IMPROVING MITRAL VALVE)
FUNCTION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In an Office Action mailed on April 3, 2007, the Examiner required an election under 35 U.S.C. § 121 of one of the following allegedly patentably distinct species:

Species I - Figure 1, characterized by the Examiner as drawn to splints placed to lessen cardiac muscular stress;

Species II - Figures 2A-2B, characterized by the Examiner as drawn to splints oriented to lessen cardiac muscular stress and to assist in apposition of valve leaflets;

Species III - Figures 3A-3C, characterized by the Examiner as drawn to mitral valve splints;

Species IV - Figures 4A-4B, characterized by the Examiner as drawn to transventricular splints to assist in apposition of valve leaflets;

Species V - Figure 4C, characterized by the Examiner as drawn to transventricular splints to assist in apposition of valve leaflets and to reposition papillary muscles;

Species VI - Figures 5A-5B, characterized by the Examiner as drawn to splints and an accessory anchor assembly to lessen cardiac muscular stress and to assist in apposition of valve leaflets;

Species VII - Figure 6, characterized by the Examiner as drawn to mitral valve and transventricular splints to lessen cardiac muscular stress and to assist in apposition of valve leaflets; and

Species VIII - Figure 7, characterized by the Examiner as drawn to an external splint device and mitral valve anchoring assembly to assist in apposition of valve leaflets.

The Examiner required Applicant to elect one of these species and to identify the claims readable on the elected species. The Examiner also asserted that no claims were generic.

Applicant does not necessarily agree with the Examiner's election of species requirement, assertion that no claims are generic, or other characterizations made within the Office Action. Nonetheless, to expedite prosecution of this application, Applicant elects to prosecute Species VI (Figs. 5A-B) identified above. Applicant submits that all of the currently pending claims 64-115 are "readable" thereon.

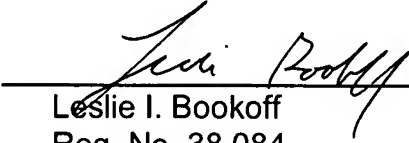
If the Examiner wishes to discuss this Response with Applicant's representatives, the Examiner is invited to telephone the undersigned at (202) 408-4140.

Please grant any extensions of time required to enter this Response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 16, 2007

By: 
Leslie I. Bookoff
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